

L-23918

Atty. No. 03122391

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GERALD DIX,)	
)	
Plaintiff,)	No. 08 C 4269
)	
v.)	Judge Charles R. Norgle, Sr.
)	
CANADIAN NATIONAL RAILWAY,)	Magistrate Judge Valdez
UNION PACIFIC RAILROAD, METRA)	
RAILROAD, EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Defendants.)	

**MOTION TO ENLARGE TIME TO ANSWER
OR OTHERWISE PLEAD**

NOW COMES defendant, Union Pacific Railroad Company (“Union Pacific”), by its attorney, Daniel R. LaFave, and moves to enlarge the time for said defendant to answer or otherwise plead to the pro-se plaintiff’s complaint, and in support thereof, states as follows:

1. That on August 4, 2008, defendant Union Pacific’s registered agent was served with summons and the complaint in the state court suit that has now been removed to this court.

2. That Union Pacific’s answer is therefore due to be filed on the 20th day after service, on August 25, 2008.

3. That Union Pacific’s undersigned attorney has been assigned to handle this matter that arises from a collision between a Metra train and locomotives that were apparently owned by Union Pacific, but which had been in the exclusive possession and control of another railroad and in use on another railroad at and prior to the time of the underlying accident.

4. That Union Pacific counsel requires additional time to obtain documents and affidavits verifying the above matters and to prepare the appropriate answer or motion to dismiss this pro-se complaint, and to determine if any indemnifying or other agreements may be involved under which this defendant may be owed a defense.

WHEREFORE, defendant Union Pacific Railroad Company respectfully prays that the Court enter an order enlarging the time for Union Pacific to answer or otherwise plead to the plaintiff's complaint, to and including September 19, 2008.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

By: s/ Daniel R. LaFave
Daniel R. LaFave
Its Attorney

Daniel R. LaFave, #03122391
Attorney for defendant
Union Pacific Railroad Company
101 North Wacker Drive
Room 1920
Chicago, IL 60606
312 777-2046

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the above and foregoing instrument was properly forwarded to all counsel of record as listed below by:

- ** United States Mail, postage prepaid and sealed;
 United States Certified Mail, postage prepaid and return receipt requested;
 Hand Delivery;
 UPS / Next Day Air;
 Facsimile Transmission;
 * Local Rule 5.9 Electronic Filing (U.S.D.C., ND IL); and/or
 Email.

on this 22nd day of August , 2008.

See attached Service List with designations of method of service as indicated above (* or **).

s/ Daniel R. LaFave
Daniel R. LaFave

Dix v. Union Pacific, *et al.*
Court No. 08 C 4269

SERVICE LIST

Gerald Dix [*pro se*] [*via U.S. mail*] **
9432 South Massasoit
Oak Lawn, IL 60453

Michael O. Vates, Esq. [*via U.S. mail*] **
MacCabe & McGuire
(Attorneys for Canadian National Ry.)
77 West Wacker Drive, Suite 3333
Chicago, IL 60601
Facsimile: 312-357-0317

Robert J. Mrizek, Esq. [*via electronic filing*] *
U.S. Equal Employment Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, IL 60661
Facsimile: 312-353-8555

Mona Papillon, Esq. [*pro hac vice*] [*via U.S. mail*] **
U.S. Equal Employment Opportunity Commission
1801 L Street NW
Room 6040
Washington, DC 20507